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Date: December 13, 2004

By:

Dee Dee Sutherland
Dee Dee Sutherland

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GJERSET, RUTH *ET AL.*

APPLICATION NO.: 08/335,461

FILED: NOVEMBER 7, 1994

FOR: **ENHANCING THE SENSITIVITY OF
TUMOR CELLS TO THERAPIES**

EXAMINER: CHRISTOPHER S.F. LOW

ART UNIT: 1614

CONF. NO: 8495

Supplemental Information Disclosure Statement
After First Office Action but Before Final Action
or Notice of Allowance – 37 C.F.R. § 1.97(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. This information disclosure is being filed in response to the Office communication dated September 8, 2004. The references listed on the enclosed Form PTO-1449 were previously disclosed in the Supplemental Information Disclosure Statement filed March 14, 2003, and are being re-submitted for Examiner's consideration. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application, and the Examiner is requested to make them of record in the application.

2. Cited Information

- ☒ Copies of the following references are enclosed:
 - ☐ All cited references
 - ☒ References marked by asterisks
 - ☐ The following:
- ☐ Copies of the following references can be found in parent U.S. Application No. :
 - ☐ All cited references
 - ☐ References marked by asterisks
 - ☐ The following:
- ☐ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- ☒ The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
 - ☐ All cited references
 - ☒ References marked by ampersands
 - ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))


- ☒ Applicant believes that no fees are due. However, should the Commissioner determine that fees are due in order for this Supplemental Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2586.
- ☐ Applicant submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or
- ☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

4. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

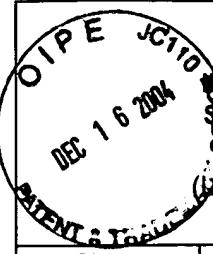
Date: 12/13/04



Patrick D. Morris
Registration No. 53,351

Correspondence Address:

Customer No. 34055
Perkins Coie LLP
Patent – LA
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
Fax: (310) 788-3399

 INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)				COMPLETE IF KNOWN		
				Application Number	08/335,461	
				Confirmation Number	8495	
				Filing Date	November 7, 1994	
				First Named Inventor	Ruth Gjerset	
				Group Art Unit	1614	
Examiner Name	Christopher S. F. Low					
Attorney Docket No.	54763.8001.US02					
Sheet	1	of	1			

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	& AA	JP	04009338		Favalli et al.	01/14/92		
	& AB	FR	2688514		Haddada et al.	09/17/93		
	& AC	WO	94/24297		Perricaudet et al.	10/27/94		
	& AD	WO	95/02697		Perricaudet et al.	01/26/95		
	& AE	WO	95/14101		Dedieu et al.	05/26/95		
	& AF	WO	95/23867		Denefle et al.	09/08/95		
	& AG	JP	08508879		Perricaudet et al.	09/24/96		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	* AH	KUMAR <i>et al.</i> , "Activation of <i>ras</i> Oncogenes Preceding the Onset of Neoplasia," <i>Science</i> , 248:1101-1104, 1990.	
	* AI	MAGRATH <i>et al.</i> , "Tumor-Specific Antisense Oligonucleotides for Controlling Cancer," Abstract No. 114:5578n, <i>Chemical Abstracts</i> , 114(7):68, 1991.	
	* AJ	<i>Proceedings of the American Association for Cancer Research</i> , Vol. 36, p. 21, March 1995.	
	* AK	YAMADA AND OHYAMA, "Radiation and Apoptosis," <i>Gan To Kagaku Ryoho</i> , 21(5):602-607, 1994. [in Chinese language]	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).	